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EXAMINER

O'STEEN, DAVID R

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,407

Applicant(s)

LIPSCOMB ET AL.

Examiner

David R. O'Steen

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-22 and 24-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-22 and 24-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-28-2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Information Disclosure Statement

2. The information disclosure statement filed 28 December 2000 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the web site addresses referred to in the "Other Documents" section, namely www.obvious.com and www.veon.com, are unclear as to what content is intended to be considered by the examiner. Further, the addresses fail to comply with MPEP § 609 requirement of a date for the reference, and moreover, www.veon.com provides a link to a Phillips web page while the www.obvious.com is inactive. Accordingly, the web site information has not been considered on the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 7, 14, 22, 27, 33 and 39-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Finseth et al. (Finseth), U.S. Patent No. 6,665,870. in view of Naimpally (US 6,020,880) and in further view of Brown (US 6,973,663).

Regarding **claims 39 and 40**, Finseth discloses a broadcast server (Fig. 2, Program Guide Transmitting System 46) in a TV system and corresponding method, comprising:

- a) a correspondence table storing means (Fig. 2, Database 48) for storing a dynamic table of correspondence between program classification categories and TV channel numbers (col. 6, line 57 – col. 7, line 10, where program guide database contains TV channel information (col. 8, lines 39-57) and program category information (col. 9, lines 7-20));

- b) creation means (Fig. 2; Data Entry Station **50**) for hyperlinking information which contains a list of channels broadcasting the same nature of program by referencing the correspondence table (col. 7, lines 11-22 [manual entry of additional information]; col. 9, line 56 – col.10, line 9 [additional information including HTML hyperlinks]; col. 14, lines 10-59 [ordering narrative text according to program category]); and
- c) transmitting means (Fig. 2; Combiner **42** and Uplink Dish **30**) for transmitting the hyperlinking information to TV devices whereby upon successfully processing the hyperlinking information for display on a TV screen a viewer surfs among the channels specified in the hyperlinking information (col. 7, lines 34-43, describing transmission; col. 9, line 56 – col. 10, line 9; col. 16, lines 39-48 [channel selection by activating hyperlinks in narrative text]).

Finseth fails to disclose the claimed the related program is selected by the system based on a profile of the viewer and a program classification category of a program being viewed wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer, and the program classification category is selected by the system from a plurality of classification categories for the program being viewed.

In analogous art, Naimpally discloses linking to a server to get additional information, where the additional information is filtered or 'selected' by the information

provider and/or television receiver based on selected program categories and a user provided profile (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Finseth to include the claimed limitation to provide more customized contextual content by considering both a user profile and classification categories.

It is noted that the combination of Finseth and Naimpally still fails to disclose wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer.

The Examiner takes Official Notice that deducing a user profile by viewing habits would have been a notoriously well known means for providing a user with customized viewing content. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Finseth and Naimpally to include deducing a user profile by viewing habits to accurately provide a user with customized content to enhance a user's viewing experience.

Finseth and Naimpally fail to disclose that channels specified are selected using a classification category selected by the system independent of viewer input. Brown discloses that channels specified are selected using a classification category selected by the system independent of viewer input (the system recommends programs to user, fig. 8.148 and 8.150 based on a show "Splash," fig. 8.147, such as "Grumpy Old Men," partly because it is a comedy, fig. 9.156B).

At the time of invention it would have been obvious to one skilled in the art to combine the category selection independent of viewer input as done in Brown, an

analogous art, with the television system of Finseth and Nimpally to make the recommendation process easy for the viewer and to recommend programs that the user may not otherwise thought of.

Regarding **claims 41 and 42**, Finseth discloses a receiver (Fig. 3, Receiver **64**) for surfing hyperlinked information in a TV system and corresponding method, comprising:

- a) storing apparatus (Fig. 3, Memory **78**) which receives program content including hyperlinks and related channels (col. 11, lines 41-42; col. 12, lines 13-18 [HTML objects received at Receiver **64**]; Fig. 6, col. 15, lines 15-25 [narrative text EPG, including hyperlinks to programming]; col. 16, lines 39-48 [Channel selection by activating hyperlinks]);
- b) classification information in the storing apparatus which relates program content related to related channels (col. 14, lines 10-59); and
- c) control apparatus (Fig. 3, CPU **74**) which enables a viewer to access the classification information and surf among related channels (col. 15, lines 15-23; col. 16, lines 22-47).

Finseth fails to disclose the claimed the related program is selected by the system based on a profile of the viewer and a program classification category of the program being viewed wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer, and the program classification category is

selected by the system from a plurality of classification categories for the program being viewed.

In analogous art, Naimpally discloses linking to a server to get additional information, where the additional information is filtered or 'selected' by the information provider and/or television receiver based on selected program categories and a user provided profile (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Finseth to include the claimed limitation to provide more customized contextual content by considering both a user profile and classification categories.

It is noted that the combination of Finseth and Naimpally still fails to disclose wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer.

The Examiner takes Official Notice that deducing a user profile by viewing habits would have been a notoriously well known means for providing a user with customized viewing content. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Finseth and Naimpally to include deducing a user profile by viewing habits to accurately provide a user with customized content to enhance a user's viewing experience.

Finseth and Naimpally fail to disclose that channels specified are selected using a classification category selected by the system independent of viewer input. Brown discloses that channels specified are selected using a classification category selected by the system independent of viewer input (the system recommends programs to user,

fig. 8.148 and 8.150 based on a show "Splash," fig. 8.147, such as "Grumpy Old Men," partly because it is a comedy, fig. 9.156B).

At the time of invention it would have been obvious to one skilled in the art to combine the category selection independent of viewer input as done in Brown, an analogous art, with the television system of Finseth and Nimpally to make the recommendation process easy for the viewer and to recommend programs that the user may not otherwise thought of.

Regarding **claim 43**, Finseth discloses a broadcast server (Fig. 2, Program Guide Transmitting Means **46**) in a TV system, comprising:

- a) correspondence information (Fig. 2, Database **48**) between program classification categories and TV channel numbers (col. 6, line 57 – col. 7, line 10, where program guide database contains TV channel information (col. 8, lines 39-57) and program category information (col. 9, lines 7-20));
- b) creation apparatus (Fig. 2; Data Entry Station **50**) which creates hyperlinking information of channels broadcasting the same nature of program classification categories by referencing the correspondence information (col. 7, lines 11-22 [manual entry of additional information]; col. 9, line 56 – col.10, line 9 [additional information including HTML hyperlinks]; col. 14, lines 10-59 [ordering narrative text according to program category]); and

- c) transmitting apparatus (Fig. 2; Combiner 42 and Uplink Dish 30) which transmits the hyperlinking information to TV devices whereby upon successfully processing the hyperlinking information for display on a TV screen, a viewer surfs among the channels specified in the hyperlinking information (col. 7, lines 34-43, describing transmission; col. 9, line 56 – col. 10, line 9; col. 16, lines 39-48 [channel selection by activating hyperlinks in narrative text]).

Finseth fails to disclose the claimed the related program is selected by the system based on a profile of the viewer and a program classification category of the program being viewed wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer and the program classification category is selected by the system from a plurality of classification categories for the program being viewed.

In analogous art, Naimpally discloses linking to a server to get additional information, where the additional information is filtered or 'selected' by the information provider and/or television receiver based on selected program categories and a user provided profile (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Finseth to include the claimed limitation to provide more customized contextual content by considering both a user profile and classification categories.

It is noted that the combination of Finseth and Naimpally still fails to disclose wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer.

The Examiner takes Official Notice that deducing a user profile by viewing habits would have been a notoriously well known means for providing a user with customized viewing content. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Finseth and Naimpally to include deducing a user profile by viewing habits to accurately provide a user with customized content to enhance a user's viewing experience.

Finseth and Naimpally fail to disclose that channels specified are selected using a classification category selected by the system independent of viewer input. Brown discloses that channels specified are selected using a classification category selected by the system independent of viewer input (the system recommends programs to user, fig. 8.148 and 8.150 based on a show "Splash," fig. 8.147, such as "Grumpy Old Men," partly because it is a comedy, fig. 9.156B).

At the time of invention it would have been obvious to one skilled in the art to combine the category selection independent of viewer input as done in Brown, an analogous art, with the television system of Finseth and Nimpally to make the recommendation process easy for the viewer and to recommend programs that the user may not otherwise thought of.

Regarding **claim 44**, Finseth discloses a receiver (Fig. 3, Receiver **64**) for surfing hyperlinked information in a TV system, comprising:

- a) storing apparatus (Fig. 3, Memory **78**), which receives program content including hyperlinks and related channels (col. 11, lines 41-42; col. 12, lines 13-18 [HTML objects received at Receiver **64**]; Fig. 6, col. 15, lines 15-25 [narrative text EPG, including hyperlinks to programming]; col. 16, lines 39-48 [Channel selection by activating hyperlinks]);
- b) classification information of program content related to the same channels (col. 14, lines 10-59); and
- c) control apparatus (Fig. 3, CPU **74**), which enables a viewer to access the classification information and surf among related channels (col. 15, lines 15-23; col. 16, lines 22-47).

Finseth fails to disclose the claimed the related program is selected by the system based on a profile of the viewer and a program classification category being viewed wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer, and the program category is selected by the system from a plurality of classification categories for the program being viewed.

In analogous art, Naimpally discloses linking to a server to get additional information, where the additional information is filtered or 'selected' by the information provider and/or television receiver based on selected program categories and a user provided profile (see Abstract). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify Finseth to include the claimed limitation to provide more customized contextual content by considering both a user profile and classification categories.

It is noted that the combination of Finseth and Naimpally still fails to disclose wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer.

The Examiner takes Official Notice that deducing a user profile by viewing habits would have been a notoriously well known means for providing a user with customized viewing content. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Finseth and Naimpally to include deducing a user profile by viewing habits to accurately provide a user with customized content to enhance a user's viewing experience.

Finseth and Naimpally fail to disclose that channels specified are selected using a classification category selected by the system independent of viewer input. Brown discloses that channels specified are selected using a classification category selected by the system independent of viewer input (the system recommends programs to user, fig. 8.148 and 8.150 based on a show "Splash," fig. 8.147, such as "Grumpy Old Men," partly because it is a comedy, fig. 9.156B).

At the time of invention it would have been obvious to one skilled in the art to combine the category selection independent of viewer input as done in Brown, an analogous art, with the television system of Finseth and Nimpally to make the

recommendation process easy for the viewer and to recommend programs that the user may not otherwise thought of.

Claims 14, 16-17, 19-22, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (Finseth), U.S. Patent No. 6,665,870 in view of Shoff et al. (Shoff), U.S. Patent No. 6,240,555 and Naimpally (US 6,020,880) and in further view of Brown (US 6,973,663).

Regarding **claims 14 and 22**, Finseth discloses a method for interactive TV contextual surfing using inter-channel hyperlink and corresponding program medium, comprising:

- a) creating program content including a description of program type for classification purposes (col. 4, line 56 – col. 5, line 8);
- b) transmitting the program content in a streaming data format to a broadcast station (Fig. 2, Transmission Station 26) and a broadcast server (Fig. 2, Program Guide Transmitting System 46; col. 5, lines 9-14; col. 6, lines 48-67);
- c) generating a correspondence table (Fig. 2, Database 48) between program classification categories and TV channel numbers in the broadcast server (col. 6, line 57 – col. 7, line 10, where program guide database contains TV channel information (col. 8, lines 39-57) and program category information (col. 9, lines 7-20));

- d) creating a hyperlink information of channels that are broadcasting the same nature of programs by referencing the correspondence table (col. 7, lines 11-22 [manual entry of additional information]; col. 9, line 56 – col.10, line 9 [additional information including HTML hyperlinks]; col. 14, lines 10-59 [ordering narrative text according to program category]);
- e) broadcasting the hyperlink information to a list of channels in the correspondence table (col. 7, lines 34-43);
- f) transmitting the broadcast program information to a TV device including a set-top box via a first channel (col. 7, line 52 – col. 8, line 20 [transmission of objects]; col. 9, lines 7-20 [general program object]);
- g) transmitting the hyperlinking information to the set-top box (col. 7, lines 52 – col. 8, line 20 [transmission of objects]; col. 9, line 56 – col. 10, line 13 [HTML objects]); and
- h) processing the hyperlinking information by the set-top box for display on a TV screen (Figs. 4-6; col. 13, lines 31-67).

Although Finseth discloses transmitting hyperlink information to the set-top box, Finseth fails to disclose transmitting the hyperlinking information via a second channel, as claimed.

However, Shoff, in an analogous art, teaches transmitting supplemental content, including hyperlinking information, to a set-top box via a separate channel (Fig. 4, col. 7, lines 51-60, describing delivery of supplemental content; see col. 5, lines 18-22, describing supplemental content including “hyperlinks to

similar programs of a similar type..."). Utilizing separate (i.e., first and second) channels for the delivery of different types of content (e.g., EPG data and supplemental content data) provides the typical and well-known benefit of increased bandwidth for content transmitted to a receiver.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the data transmission of Finseth to incorporate transmitting the hyperlinking information to the set-top box via a second channel, as taught by Shoff, for the benefit of increased bandwidth for transmitting content to a receiver in an interactive TV system.

Finseth and Shoff fail to disclose the claimed the related program is selected by the system based on a profile of the viewer and a program classification category of the program being viewed wherein the profile of the viewer is deduced from television viewing habits of the viewer, and the program classification category is selected from a plurality of classification categories for the program being viewed.

In analogous art, Naimpally discloses linking to a server to get additional information, where the additional information is filtered or 'selected' by the information provider and/or television receiver based on selected program categories and a user provided profile (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Finseth and Shoff to include the claimed limitation to provide more customized contextual content by considering both a user profile and classification categories.

It is noted that the combination of Finseth, Shoff, and Naimpally still fails to disclose wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer.

The Examiner takes Official Notice that deducing a user profile by viewing habits would have been a notoriously well known means for providing a user with customized viewing content. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Finseth and Naimpally to include deducing a user profile by viewing habits to accurately provide a user with customized content to enhance a user's viewing experience.

Finseth, Shoff, and Naimpally fail to disclose that channels specified are selected using a classification category selected by the system independent of viewer input. Brown discloses that channels specified are selected using a classification category selected by the system independent of viewer input (the system recommends programs to user, fig. 8.148 and 8.150 based on a show "Splash," fig. 8.147, such as "Grumpy Old Men," partly because it is a comedy, fig. 9.156B).

At the time of invention it would have been obvious to one skilled in the art to combine the category selection independent of viewer input as done in Brown, an analogous art, with the television system of Finseth, Shoff, and Naimpally to make the recommendation process easy for the viewer and to recommend programs that the user may not otherwise thought of.

The limitation of **claims 16 and 24** is encompassed by the teachings of Finseth in view of Shoff and in further view of Naimpally and in further view of Brown, as discussed above. Specifically, Finseth discloses creating a hyperlink list of channels that are broadcasting the same nature of programs by referencing the correspondence table (col. 7, lines 11-22 [manual entry of additional information]; col. 9, line 56 – col.10, line 9 [additional information including HTML hyperlinks]; col. 14, lines 10-59 [ordering narrative text according to program category]).

The limitation of **claims 17 and 25** is encompassed by the teachings of Finseth in view of Shoff and in further view of Naimpally and in further view of Brown, as discussed above. Specifically, Finseth discloses storing a dynamic table of correspondence between the program classification categories and the television channel numbers (col. 6, line 57 – col. 7, line 10, where program guide database contains television channel information (col. 8, lines 39-57) and program category information (col. 9, lines 7-20)).

The limitation of **claim 19** is encompassed by the teachings of Finseth in view of Shoff and in further view of Naimpally and in further view of Brown, as discussed above. Specifically, Finseth discloses the set-top apparatus stores television broadcast by program classification categories in a first classification table (Fig. 4, col. 14, lines 23-40).

The limitation of **claim 20** is encompassed by the teachings of Finseth in view of Shoff and in further view of Naimpally and in further view of Brown, as discussed above. Specifically, Finseth discloses transmitting the program content and hyperlinking information directly to the set-top boxes (Fig. 1, col. 5, lines 31-37). Shoff teaches transmitting the hyperlinking the program content and program classification categories in a separate channel (col. 7, lines 51-60).

As for **claim 21**, Finseth discloses generating and transmitting the program content and program classification categories in a data-streaming format (col. 7, line 51 – col. 8, line 4).

Claims 1-4, 6, 27-30, 32, 33-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (Finseth), U.S. Patent No. 6,665,870 in view of Lasky, U.S. Patent No. 6,367,078 and Naimpally (6,020,880) and in further view of Brown (US 6,973,663).

As for **claim 1**, Finseth discloses an interactive TV content surfing system comprising:

- a) creating apparatus (Fig. 2; Program Guide Data Transmitting System **46**), which creates interactive television program content for hyperlinking to other program content (col. 7, lines 11-22 [manual entry of additional

information]; col. 9, line 56 – col.10, line 9 [additional information including HTML hyperlinks]; col. 14, lines 10-59 [ordering narrative text according to program category]);

- b) broadcast apparatus (Fig. 2; Combiner **42** and Uplink dish **30**) which broadcasts interactive TV program content with hyperlinks to the other program content (col. 7, lines 34-43; col. 7, lines 52 – col. 8, line 20 [transmission of objects]; col. 9, line 56 – col. 10, line 13 [HTML objects]);
- c) receiver apparatus (Fig. 3, Receiver **64**) which receives and processes the interactive TV program content with hyperlinks for display to a viewer (Figs. 4-6; col. 13, lines 31-67); and
- d) enabling apparatus (Fig. 3, CPU **74**; col. 11, lines 50-55), which enables the viewer to hyperlink to a related program (col. 15, lines 15-23; col. 16, lines 39-48).

Although Finseth discloses enabling a viewer to hyperlink to a related program, Finseth fails to specifically disclose hyperlinking from interactive program content being viewed to a related program, as claimed.

However, Lasky, in an analogous art, teaches surfing (i.e., hyperlinking) from a program being viewed to a related program (Fig. **6b**; col. 6, lines 31-49; col. 9, lines 1-27) for the benefit of providing a more intuitive electronic program guide system (see col. 4, line 4-8).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the enabling apparatus of Finseth

to incorporate hyperlinking from a program being viewed to a related program, as taught by Lasky, for the benefit of providing a more intuitive electronic program guide system in an interactive TV system.

Finseth and Lasky fail to disclose the claimed the related program is selected by the system based on a profile of the viewer and a program classification category of the program being viewed wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer, and the program classification category is selected by the system from a plurality of classification categories for the program being viewed.

In analogous art, Naimpally discloses linking to a server to get additional information, where the additional information is filtered or 'selected' by the information provider and/or television receiver based on selected program categories and a user provided profile (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Finseth and Lasky to include the claimed limitation to provide more customized contextual content by considering both a user profile and classification categories.

It is noted that the combination of Finseth and Naimpally still fails to disclose wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer.

The Examiner takes Official Notice that deducing a user profile by viewing habits would have been a notoriously well known means for providing a user with customized viewing content. Therefore, it would have been obvious to one having ordinary skill in

Art Unit: 2623

the art at the time the invention was made to modify the combination of Finseth and Naimpally to include deducing a user profile by viewing habits to accurately provide a user with customized content to enhance a user's viewing experience.

Finseth, Lasky, and Naimpally fail to disclose that channels specified are selected using a classification category selected by the system independent of viewer input. Brown discloses that channels specified are selected using a classification category selected by the system independent of viewer input (the system recommends programs to user, fig. 8.148 and 8.150 based on a show "Splash," fig. 8.147, such as "Grumpy Old Men," partly because it is a comedy, fig. 9.156B).

At the time of invention it would have been obvious to one skilled in the art to combine the category selection independent of viewer input as done in Brown, an analogous art, with the television system of Finseth, Laskey, and Naimpally to make the recommendation process easy for the viewer and to recommend programs that the user may not otherwise thought of.

The limitation of **claim 2** is encompassed by the teachings of Finseth in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claim 1. Specifically, Lansky teaches the enabling apparatus enables the viewer to hyperlink from a scheduled program to a related program (Fig. **6b**; col. 6, lines 31-49; col. 9, lines 1-27, where a program currently being viewed is inherently a "scheduled" program).

The limitation of **claim 3** is encompassed by the teachings of Finseth in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claim 1. Specifically, Finseth discloses the enabling apparatus enables the viewer to hyperlink to a recording dialog when a related program may be broadcast in the future (Fig. 8; col. 17, lines 25-31).

The limitation of **claim 4** is encompassed by the teachings of Finseth in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claim 1. Specifically, Finseth discloses:

the broadcast apparatus which transmits interactive television program content and program the classification category together to the receiver apparatus (col. 7, lines 34-43), wherein the control apparatus (EPG of Fig. 6) enables the viewer to interact with the interactive television program content (col. 15, lines 15-25; col. 16, lines 22-48).

The limitation of **claim 6** is encompassed by the teachings of Finseth in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claim 1. Specifically, Finseth discloses:

- j) receiver apparatus which provides alternative hyperlinking of program content (col. 6, lines 21-39, where hyperlinking is to additional information, such as plot information or list of actors, or any program information).

Regarding **claims 27 and 33**, Finseth discloses a method for contextual surfing in an interactive TV computer system and corresponding program medium, comprising:

- a) creating interactive television program content for hyperlinking to other program content (col. 7, lines 11-22 [manual entry of additional information]; col. 9, line 56 – col.10, line 9 [additional information including HTML hyperlinks]; col. 14, lines 10-59 [ordering narrative text according to program category]);
- b) broadcasting the interactive TV program content with hyperlinks to other content (col. 7, lines 34-43; col. 7, lines 52 – col. 8, line 20 [transmission of objects]; col. 9, line 56 – col. 10, line 13 [HTML objects]);
- c) receiving and processing the interactive TV program content with hyperlinks for display to a viewer (Fig. 3, Receiver 64; Figs. 4-6, col. 13, lines 31-67); and
- d) enabling a viewer to hyperlink to a related program (col. 15, lines 15-23; col. 16, lines 39-48).

Although Finseth discloses hyperlinking to select programs in a related category, Finseth fails to specifically disclose disclose hyperlinking from a program being viewed to a related program, as claimed.

However, Lasky, in an analogous art, teaches surfing (i.e., hyperlinking) from interactive television program content being viewed to a related program

(Fig. 6b; col. 6, lines 31-49; col. 9, lines 1-27) for the benefit of providing a more intuitive electronic program guide system (see col. 4, line 4-8).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program selection of Finseth to incorporate hyperlinking from a program being viewed to a related program, as taught by Lasky, for the benefit of providing a more intuitive electronic program guide system in an interactive TV system.

Finseth and Lasky fail to disclose the claimed the related program is selected by the system based on a profile of the viewer and a program classification category of the program being viewed wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer, and the program classification category selected by the system from a plurality of classification categories for the program being viewed.

In analogous art, Naimpally discloses linking to a server to get additional information, where the additional information is filtered or 'selected' by the information provider and/or television receiver based on selected program categories and a user provided profile (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Finseth to include the claimed limitation to provide more customized contextual content by considering both a user profile and classification categories.

It is noted that the combination of Finseth, Lasky and Naimpally still fails to disclose wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer.

The Examiner takes Official Notice that deducing a user profile by viewing habits would have been a notoriously well known means for providing a user with customized viewing content. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Finseth and Naimpally to include deducing a user profile by viewing habits to accurately provide a user with customized content to enhance a user's viewing experience.

Finseth, Lasky, and Naimpally fail to disclose that channels specified are selected using a classification category selected by the system independent of viewer input. Brown discloses that channels specified are selected using a classification category selected by the system independent of viewer input (the system recommends programs to user, fig. 8.148 and 8.150 based on a show "Splash," fig. 8.147, such as "Grumpy Old Men," partly because it is a comedy, fig. 9.156B).

At the time of invention it would have been obvious to one skilled in the art to combine the category selection independent of viewer input as done in Brown, an analogous art, with the television system of Finseth, Laskey, and Naimpally to make the recommendation process easy for the viewer and to recommend programs that the user may not otherwise thought of.

The limitation of **claims 34 and 28** is encompassed by the teachings of Finseth in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claims 33 and 27. Specifically, Lasky teaches enabling the viewer to hyperlink from a scheduled program to a related program program (Fig. **6b**; col. 6, lines 31-49; col. 9, lines 1-27, where a program currently being viewed is inherently a “scheduled” program).

The limitation of **claims 35 and 29** is encompassed by the teachings of Finseth in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claims 33 and 27. Specifically, Finseth discloses enabling the viewer to hyperlink to a recording dialog when a related program may be broadcast in the future (Fig. **8**; col. 17, lines 25-31).

The limitation of **claims 36 and 30** is encompassed by the teachings of Finseth in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claims 33 and 27. Specifically, Finseth discloses broadcasting the interactive television program content and the program classification category together to the receiver (col. 7, lines 34-43; col. 7, lines 52 – col. 8, line 20 [transmission of objects to Receiver **64** (Fig. **3**)]); col. 9, line 56 – col. 10, line 13 [HTML objects]) and interacting with the interactive television program content (col. 15, lines 15-23; col. 16, lines 39-48 [hyperlinking to programming of related content]).

The limitation of **claims 38 and 32** is encompassed by the teachings of Finseth in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claims 33 and 27. Specifically, Finseth discloses providing alternative hyperlinking of program content (col. 6, lines 21-39, where hyperlinking is to additional information, such as plot information or list of actors, or any program information).

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (Finseth), U.S. Patent No. 6,665,870 in view of Shoff et al. (Shoff), U.S. Patent No. 6,240,555, further in view of Lasky, U.S. Patent No. 6,367,078, and still further in view of Naimpally (US 6,020,880) and in further view of Brown (US 6,973,663).

As for **claim 7**, Finseth discloses an interactive TV contextual content surfing system using inter-channel hyperlinking (Fig. 1), comprising:

- a) a content creation station (Fig. 1, data from Schedule Feeds **24** inherently discloses a 'content creation station' for generating the content) generating and transmitting interactive program information and classification information as streaming data (col. 4, line 56 – col. 5, line 8; col. 5, lines 9-14; col. 6, lines 48-67);

- b) a TV broadcast station (Fig. 2, Transmission station **26**) for receiving the streaming data (col. 5, lines 2-8);
- c) a broadcast server (Fig. 2; Program Guide Data Transmitting System **46**) for processing classification categories in the streaming data and hyperlinking program information in related categories (col. 7, lines 11-22 [manual entry of additional information]; col. 9, line 56 – col.10, line 9 [additional information including HTML hyperlinks]; col. 14, lines 10-59 [ordering narrative text according to program category]);
- d) a network (Fig. 1; Satellite **32**) coupled to the TV broadcast station for transmitting the interactive TV program information and the classification directly to set-top boxes (col. 5, lines 25-37); and
- e) viewer means including an interface enabling a viewer to view a program in a category (Fig. 6; col. 15, lines 15-25; col. 16, lines 39-48).

Although Finseth discloses transmitting the TV program information and hyperlink information directly to the set-top box, Finseth fails to disclose transmitting the hyperlinking information via a separate channel, as claimed.

However, Shoff, in an analogous art, teaches transmitting supplemental content, including hyperlinking information, to a set-top box via a separate channel (Fig. 4, col. 7, lines 51-60, describing delivery of supplemental content; see col. 5, lines 18-22, describing supplemental content including “hyperlinks to similar programs of a similar type...”). Utilizing separate (i.e., first and second) channels for the delivery of different types of content (e.g., EPG data and

supplemental content data) provides the typical and well-known benefit of increased bandwidth for content transmitted to a receiver.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the data transmission of Finseth to incorporate transmitting the hyperlinking information to the set-top box via a second channel, as taught by Shoff, for the benefit of increased bandwidth for transmitting content to a receiver in an interactive TV system.

Although Finseth discloses hyperlinking to select programs in a related category, the combination of Finseth in view of Shoff fails to specifically disclose hyperlinking from a program being viewed to a related program, as claimed.

However, Lasky, in an analogous art, teaches surfing (i.e., hyperlinking) from a program being viewed to a related program (Fig. 6b; col. 6, lines 31-49; col. 9, lines 1-27) for the benefit of providing a more intuitive electronic program guide system (see col. 4, line 4-8).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the viewer means of Finseth in view of Shoff to incorporate hyperlinking from a program being viewed to a related program, as taught by Lasky, for the benefit of providing a more intuitive electronic program guide system in an interactive TV system.

Finseth, Shoff, and Lasky fail to disclose the claimed the related program is selected by the system based on a profile of the viewer and a program classification category of the program being viewed wherein the profile of the viewer is deduced by

Art Unit: 2623

the system from television viewing habits of the viewer, and the program classification category selected by the system from a plurality of classification categories for the program being viewed.

In analogous art, Naimpally discloses linking to a server to get additional information, where the additional information is filtered or 'selected' by the information provider and/or television receiver based on selected program categories and a user provided profile (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Finseth to include the claimed limitation to provide more customized contextual content by considering both a user profile and classification categories.

Finseth, Lasky, Shoff, and Naimpally fail to disclose that channels specified are selected using a classification category selected by the system independent of viewer input. Brown discloses that channels specified are selected using a classification category selected by the system independent of viewer input (the system recommends programs to user, fig. 8.148 and 8.150 based on a show "Splash," fig. 8.147, such as "Grumpy Old Men," partly because it is a comedy, fig. 9.156B).

At the time of invention it would have been obvious to one skilled in the art to combine the category selection independent of viewer input as done in Brown, an analogous art, with the television system of Finseth, Laskey, Shoff, and Naimpally to make the recommendation process easy for the viewer and to recommend programs that the user may not otherwise thought of.

The limitation of **claim 8** is encompassed by the teachings of Finseth in view of Shoff, further in view of Lasky, and in further view of Naimpally and Brown, as discussed above relative to claim 7. Specifically, Finseth discloses storing apparatus (Fig. 2; Database 48) in the broadcast server that stores a dynamic table of correspondence between the classification categories and channel numbers (col. 6, line 57 – col. 7, line 10, where program guide database contains television channel information (col. 8, lines 39-57) and program category information (col. 9, lines 7-20)).

The limitation of **claim 9** is encompassed by the teachings of Finseth in view of Shoff, further in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claim 7. Specifically, Finseth discloses server apparatus which creates a hyperlink list of channels that are broadcasting the same nature of programs by referencing a correspondence table (col. 7, lines 11-22 [manual entry of additional information]; col. 9, line 56 – col.10, line 9 [additional information including HTML hyperlinks]; col. 14, lines 10-59 [ordering narrative text according to program category]).

The limitation of **claim 10** is encompassed by the teachings of Finseth in view of Shoff, further in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claim 7. Specifically, Finseth discloses server apparatus which transmits hyperlink information to the set-top box (col. 7,

Art Unit: 2623

lines 11-22; col. 9, line 56 – col.10, line 9). Shoff teaches transmitting hyperlink information on a separate channel col. 7, lines 51-60, describing delivery of supplemental content; see col. 5, lines 18-22, describing supplemental content including “hyperlinks to similar programs of a similar type...”).

The limitation of **claim 11** is encompassed by the teachings of Finseth in view of Shoff, further in view of Lasky and in further view of Naimpally and Brown, as discussed above relative to claim 7. Specifically, Finseth discloses the set-top apparatus stores television broadcast by categories in a first classification table (Fig. 4, col. 14, lines 23-40).

Claims 5, 31 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (Finseth), U.S. Patent No. 6,665,870, in view of Lasky, U.S. Patent No. 6,367,078 and Naimpally (US 6,020,880) and in further view of Brown (US 6,973,663), as applied to claims 1, 27 and 33.

As for **claim 5**, the teachings of Finseth in view of Lasky and in further view of Brown are relied upon as discussed above relative to claim 1. Finseth in view of Lasky fails to disclose the control apparatus at the receiver grouping program content by deduction based on information provided by the user, as claimed.

Brown, in an analogous art, teaches a receiver control apparatus that groups program content by deduction based on information provided by the viewer (such as storing 'preferred programs' in memory for use in searching later, col. 10, lines 2-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Finseth in view of Lasky to incorporate a control apparatus at a receiver that groups program content by deduction based on viewer TV habits, as taught by Brown, for the benefit of allowing a viewer to quickly find a program of greatest interest without having to tediously search through large numbers of available programs in an interactive TV system.

As for **claims 31 and 37**, the teachings of Finseth in view of Lasky and in further view of Naimpally and Brown are relied upon as discussed above relative to claims 27 and 33. The combination of Finseth in view of Lasky and Naimpally fails to disclose grouping program content at the receiver by deduction based on information provided by the user, as claimed.

Brown, an analogous art, teaches a receiver control apparatus that groups program content by deduction based on information provided by the user (such as storing 'preferred programs' in memory for use in searching later, col. 10, lines 2-6).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Finseth in view of Lasky and in further view of Naimpally to incorporate a control apparatus at a receiver that groups program content by deduction based on viewer TV habits, as taught by Brown, for the benefit of allowing a viewer to quickly find a program of greatest interest without having to tediously search through large numbers of available programs in an interactive TV system.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (Finseth), U.S. Patent No. 6,665,870 in view of Shoff et al. (Shoff), U.S. Patent No. 6,240,555, further in view of Lasky, U.S. Patent No. 6,367,078 and Naimpally (US 6,020,880) and in further view of Brown (US 6,973,663), as applied to claim 7, further in view of Tsukidate, U.S. Patent No. 6,714,722.

As for **claim 13**, the teachings of Finseth in view of Shoff, further in view of Lasky, and in further view of Naimpally and Brown are relied upon as discussed above relative to claim 7. Finseth in view of Shoff, further in view of Lasky, and in further view of Naimpally and Brown fail to disclose the local storing apparatus in the set-top box which stores recorded programs and classifies categories of programs in a third classification table, as claimed.

However, Tsukidate, in an analogous art teaches a set top box (Fig. 2, Digital Multimedia Recorder 5) including a local storing apparatus which stores recorded programs and classification categories in a recorded programs

classification table (Fig. 8, Recorded Program Information Table **47** including category code **137**; col. 4, lines 8-51; col. 7, lines 21-31; see col. 5, lines 19-34 describing program information data recorded, including category code **137**) for the benefit of improved management of recorded programming (see col. 2, lines 7-12).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set-top box of Finseth in view of Shoff, further in view of Lasky and in further view of Naimpally and Brown to incorporate a local storing apparatus which records stored programs and classifies categories of program in a third classification table, as taught by Tsukidate, for the benefit of improved management of recorded programming in an interactive TV system.

Claims 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (Finseth), U.S. Patent No. 6,665,870 in view of in view of Shoff et al. (Shoff), U.S. Patent No. 6,240,555 and Naimpally (US 6,020,880) and in further view of Brown (US 6,973,663), as applied to claims 14 and 22, further in view of Tsukidate, U.S. Patent No. 6,714,722.

As for **claims 18 and 26**, the teachings of Finseth in view of Shoff and in further view of Brown are relied upon as discussed above relative to claims 14 and 22. Finseth in view of Shoff and in further view of Brown fail to disclose the

local storing apparatus which stores recorded programs and classifies categories of programs in a third classification table, as claimed.

However, Tsukidate, in an analogous art teaches a set top box (Fig. 2, Digital Multimedia Recorder 5) including a local storing apparatus which stores recorded programs and the program classification categories in a recorded programs classification table (Fig. 8, Recorded Program Information Table 47 including category code 137; col. 4, lines 8-51; col. 7, lines 21-31; see col. 5, lines 19-34 describing program information data recorded, including category code 137) for the benefit of improved management of recorded programming (see col. 2, lines 7-12).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Finseth in view of Shoff and in further view of Brown to incorporate a local storing apparatus which records stored programs and classifies categories of program in a third classification table, as taught by Tsukidate, for the benefit of improved management of recorded programming in an interactive TV system.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over (Finseth) et al. (Finseth), U.S. Patent No. 6,665,870 in view of in view of Shoff et al. (Shoff), U.S. Patent No. 6,240,555, further in view of Lasky, U.S. Patent No. 6,367,078, and Naimpally (US 6,020,880) and in further view of Brown (US 6,973,663) as applied to claim 7, further in view of Schein et al. (Schein), U.S. Patent No. 6,732,369.

As for **claim 12**, the teachings of Finseth in view of Shoff, further in view of Lasky and in further view of Naimpally and Brown are relied upon as discussed above relative to claim 7. The combination of Finseth in view of Shoff, further in view of Lasky and in further view of Naimpally and Brown fail to disclose the set-top box apparatus storing classification categories in a TV program guide in a second classification table, as claimed.

However, Schein, in an analogous art, teaches an electronic program guide in a set-top wherein program classification categories are stored in a separate classification table (Fig. 8, col. 11, lines 40-51) for the benefit of enhancing the user's ability to locate a program with a particular theme.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the set-top box of Finseth in view of Shoff, further in view of Lasky and in further view of Naimpally and Brown to incorporate storing categories programs in a TV program guide in a second classification table, as taught by Schein, for the benefit of enhancing the user's ability to locate a program with a particular theme.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2623

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

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DRO

A handwritten signature in black ink, appearing to read 'Christopher Grant', is positioned above the printed name.

**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
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